IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 1275 of 2007(B)

AGAINST THE ORDER IN
EP.63/2006 IN OS 34/2005 of SUB COURT, QUILANDY

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PETITIONER:

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1. ASSAINAR S/O.BEERAN, AGED 44 YEARS,
ATHIYOTTIL HOUSE, KEEZHARIYOOR AMSOM DESOM,
QUILANDY TALUK.

2. A. JAFAR S/O.BEERAN,
ATHIYOTTIL, KEEZHARIYOOR AMSOM DESOM,
QUILANDY TALUK.

3. PATHUMMA, W/O.BEERAN,
ATHIYOTTIL, KEEZHARIYOOR AMSOM DEWOM,
QUILANDY TALUK.

BY ADV. SRI.PULIKKOOL ABUBACKER
SRI.ZUBAIR PULIKKOOL

RESPONDENTS:

THE BRANCH MANAGER,
SOUTH MALABAR GRAMIN BANK
KIZHARIYOOR BRANCH.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 1275 OF 2007

Dated 11th January 2007

J U D G M E N T

Petitioners are judgment debtors and respondent decree holder. For realisation of decree debt respondent filed E.P.63/06 for sale of mortgaged property. This petition is filed under Article 227 of Constitution of India for permission to pay the decree debt in 25 equal monthly instalments. Case of the petitioners was that because of the liability to Kerala Financial Corporation, petitioner could not pay decree debt and they may be permitted to pay the decree amount in instalments. Learned counsel appearing for respondent opposed the application contending that decree was passed on 4/7/2005 and in such circumstance, petitioners are not entitled to get further time. It was submitted by learned counsel appearing for respondent that properties are directed to be sold today. If properties are not sold and petitioners deposits Rs.1,00,000/- within twenty days from today, executing court shall grant permission

to petitioners to pay balance decree debt in 20 instalments.

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.